IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25219 of 2005

Between:

Kambampati Venkataramana Babu

..... PETITIONER

AND

The Director and Inspector General of Police,

Govt of A.P., Lakdi-Ka-Pool,

Hyderabad and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents 1 to 3 in harassing and threatening the petitioner to pay the amount or share to the respondents 4 and 5 out of the petitioner's sole proprietorship Firm i.e. Saketa Enterprises, Bhadrachalam, on or before 25.11.2005, failing which the respondents/police will take coercive steps against the petitioner by implicating him in a false case without registering a case, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that the petitioner and respondents 4 and 5 are brothers, and there was a partnership between the petitioner and his father alone, but the partnership was dissolved on 12.07.2005. It is further stated that with regard to the said partnership dispute, the petitioner alleges that respondents 4 and 5 are taking illegal help from the police, and without making any report/complaint against the alleged criminal action said to have been committed by the petitioner, the police are illegally interfering with his civil rights and liberty.

Admittedly, the petitioner has not filed any representation before the higher police authorities about the illegal action, being taken by respondents 4 and 5 and the 3rd respondent. But, however, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents 1 to 3, not to interfere with the civil disputes existed in between the petitioner and his brothers i.e. respondents 4 and 5 and also not to interfere with the personal life and liberty of the petitioner, without there being any complaint/report filed against the petitioner. However, it is left open for the police to register a case and investigate into, if any complaint/report is filed against the petitioner, and if the contents of the complaint made out a prima facie cognizable offence.

With the above observations, the Writ Petition is disposed of. No order as to costs.

_____

V.ESWARAIAH,J

Dated: 28.11.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr